

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts III, Inc.)	Case No.: 1:04-cv-12006-RGS
)	
Plaintiff,)	
)	
vs.)	
)	
Robert Savy & Gayle Savy)	PLAINTIFFS' AFFIDAVIT IN SUPPORT
)	OF OPPOSITION AND PARTIAL
)	ASSENT TO DEFENDANTS' "MOTION
)	TO REMOVE DEFAULT"
Defendants)	
)	
)	
)	

Now comes the Affiant, John M. McLaughlin, and states under the pains and penalties of perjury:

1. Originally, I understood that these two Defendants lived together as a married couple at 7 Mountain Terrace, Peabody, MA 01960-6528.
2. In September of 2004 I brought a Complaint against the two Defendants for their joint and several liabilities for the unauthorized interception of cable television signals.
3. Sheriff's return of service stated that service was originally made on both Defendants at the Mountain Terrace address.
4. I was contacted by the Defendant, Gayle Savy. She wrote a letter to me simply saying she did not owe Comcast money and informing me that Robert was now living at 12 Lynch Street, Peabody Massachusetts.
5. In fact, I've had numerous conversations with Gayle Savy in an attempt to resolve this matter, but we have been unable to reach a settlement.
6. I also sent Gayle Savy an e-mail message in which I made it clear that her letter to me and phone calls to me did not amount to a "responsive pleading".
7. I then went back to Court and upon motion was granted an extension of time to

- make a separate and distinct service on Robert at his new address.
8. This Sheriff's return of service stated that service was made upon the Defendant Robert Savy at his new home in January of 2005.
 9. I believe I have spoken to Mr. Savy on at least one occasion; I was unable to resolve this matter with him and he has made no filing and send me no correspondence.
 10. To date, neither Defendant has filed any responsive pleading.
 11. It is possible that Gayle Savy might have forgotten the e-mail I sent her some time ago informing her that she had not done a responsive pleading and that is why my client is willing to open the Default against her.
 12. Robert's Motion blatantly ignores this separate and distinct service.
 13. Additionally, neither Defendant contacted me before this Motion was filed.

Signed and sworn under the pains and penalties of perjury this 20th
Day of January, 2006.

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
Telephone: (413) 586-0865
BBO No. 556328